

AMENDED IN ASSEMBLY MAY 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

Assembly Joint Resolution

No. 21

Introduced by Assembly Member Longville

(Coauthors: Assembly Members Bermudez, Calderon, Canciamilla, Chan, Chavez, Chu, Cohn, Corbett, Diaz, Dutra, Dymally, Frommer, Goldberg, Hancock, Jackson, Kehoe, Koretz, Laird, Leno, Levine, Lieber, Lowenthal, Matthews, Montanez, Mullin, Nakano, Nation, Negrete McLeod, Nunez, Oropeza, Parra, Pavley, Reyes, Ridley-Thomas, Salinas, Steinberg, Vargas, Wesson, Wiggins, and ~~Wolk~~)—Wolk, Aghazarian, Bates, Benoit, Berg, Bough, Correa, Cox, Daucher, Dutton, Firebaugh, Garcia, Harman, Jerome Horton, Shirley Horton, Houston, Keene, Leslie, Liu, Maddox, Maldonado, Maze, McCarthy, Nakanishi, Pacheco, Plescia, Richman, Runner, Samuelian, Simitian, Spitzer, Strickland, Wyland, and Yee)

March 25, 2003

Assembly Joint Resolution No. 21—Relative to lifetime medical benefits provided to retired military personnel.

LEGISLATIVE COUNSEL'S DIGEST

AJR 21, as amended, Longville. Retired military personnel medical benefits.

This measure would memorialize the Congress and the President of the United States to enact legislation to fulfill the commitment of the federal government to provide free lifetime medical care to those men and women who served 20 years in the military, and to refrain from enacting any legislation that would threaten the ability to fund all

commitments that the federal government has made to the men and women who have served this country in the United States military.

Fiscal committee: no.

1 WHEREAS, Military recruiters led individuals who entered the
2 uniformed services prior to June 7, 1956, to believe they would be
3 entitled to fully paid lifetime health care upon retirement; and

4 WHEREAS, As recently as 1991, military recruiters offered
5 lifetime medical care to enlisted individuals and their families in
6 return for 20 years of service in the military; and

7 WHEREAS, Statutes enacted in 1956 entitled those who
8 entered service on or after June 7, 1956, and retired after serving
9 a minimum of 20 years or earlier, by reason of a service-connected
10 disability, to medical and dental care in any facility of the
11 uniformed services, subject to the availability of space and
12 facilities and the capabilities of the medical and dental staff; and

13 WHEREAS, After four rounds of base closures between 1988
14 and 1995 and further drawdowns of remaining military medical
15 treatment facilities, access to “space available” health care in a
16 military medical treatment facility is virtually nonexistent for
17 many military retirees; and

18 WHEREAS, The United States Court of Appeals ruled in
19 *Schism v. United States* (Fed.Cir. 2002) 316 F.3d 1259 that the
20 federal government is not bound to honor the commitments made
21 by military recruiters to provide lifetime health care to veterans
22 who served 20 years in the military, unless those commitments
23 were approved by Congress and the President; and

24 WHEREAS, Since the 1995 creation of TRICARE, a program
25 to provide health care benefits to military retirees, retired service
26 members who qualify for Medicare have been denied free health
27 care benefits beyond Medicare coverage; and

28 WHEREAS, Recent federal budget plans proposed cutting
29 funding to the Department of Veterans Affairs by \$15 billion over
30 the next decade to help make room for proposed tax cuts; and

31 WHEREAS, California is home to thousands of men and
32 women who have risked and are now risking their lives while
33 serving in the United States Armed Forces and in the California
34 National Guard; now, therefore, be it

35 *Resolved by the Assembly and Senate of the State of California,*
36 *jointly,* That the Legislature of the State of California hereby

1 memorializes Congress to enact and the President of the United
2 States to sign legislation to fulfill the commitment of the federal
3 government to provide free lifetime medical care to those men and
4 women who served 20 years in the military; and be it further

5 *Resolved*, That the Legislature memorializes Congress to
6 refrain from enacting and the President to refrain from signing any
7 legislation that will threaten the ability to fund all commitments
8 that the federal government has made to the men and women who
9 have served this country in the United States military; and be it
10 further

11 *Resolved*, That the Chief Clerk of the Assembly transmit copies
12 of this resolution to the President of the United States, to the
13 Speaker of the United States House of Representatives, to the
14 Senate Majority Leader, and to each Senator and Representative
15 from California in the Congress of the United States.

